

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JENNIFER ANN McALLISTER, by and through	:	CIVIL ACTION
her parents, SHERRI and PATRICK McALLISTER,;		
Guardians ad Litem, and SHERRI and PATRICK	:	
MCALLISTER, Individually	:	
v.	:	
	:	
ROYAL CARIBBEAN CRUISES, LTD, and	:	
PETER WALL	:	NO. 02-2393

ORDER AND OPINION

JACOB P. HART  
UNITED STATES MAGISTRATE JUDGE

DATE: June 22, 2005

Plaintiffs have moved to compel responses to a number of discovery requests from defendant Royal Caribbean Cruises, Ltd. For the reasons set forth below, their motion will be granted in part and denied in part. I note that, because the discovery deadline is past, Plaintiffs will not have the chance to amend interrogatories for which objections are sustained.

I. Plaintiffs' February 18, 2005 Interrogatories

Royal Caribbean maintains that it need not respond to the four interrogatories (with many subparts) which comprise Plaintiffs' February 18, 2005, discovery request, because Fed. R. Civ. Pr. 33, permits the service of no more than 25 interrogatories without leave of Court. Royal Caribbean concedes that it entered a stipulation on July 22, 2004, in which it agreed not to oppose Plaintiffs' Motion to Serve Additional Interrogatories if it, too, were permitted to serve additional discovery. It argues, however, that it believed the "additional interrogatories" Plaintiffs would serve were limited to the set actually attached to the July, 2004, Motion. See Exhibit C to Royal Caribbean's Response.

Royal Caribbean's position is undermined by (a) the fact that, according to Plaintiffs, it has served a total of four sets of interrogatories upon them; and (b) the fact that it responded to at least one set of discovery served by Plaintiffs after July 22, 2004 (see the discussion of the January 25, 2005, interrogatories and requests for production of documents, below). For this reason, I will direct Royal Caribbean to respond to the February 18, 2005 interrogatories.

II. The January 25, 2005 Interrogatories

Interrogatory No. 3: Provide for each computer terminal: how each is numbered, when it was installed, the data each computer contains, names and positions of individuals with access to the computers.

Although Plaintiffs have now explained that this interrogatory seeks information only with regard to the computers onboard the Voyager of the Seas, I agree with Defendants that this interrogatory is overly broad and burdensome, and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 10: Provide the name of the individual(s), firm(s), organization(s) or entities involved in the original design, construction, architecture and planning of the AOYP facility.

Again, I agree with Defendants that the interrogatory is overly broad and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 11: Provide the name of the individual(s), firm(s), organization(s) or entities involved in the renovation, revisions and maintenance of the AOYP facility from the time of its inception until present.

Defendants shall respond to this interrogatory with respect to the time of AOYP's inception until the time of Plaintiffs' cruise in February, 2000.

Interrogatory No. 14: Provide the name(s) of the individual(s), department(s), firm(s), organization(s) or entities who made the decision of where to place the security cameras presently installed in the AOYP.

Because Royal Caribbean has already provided Plaintiffs with the name of the individual who made the decision to place the security camera which was in the AOYP facility in February, 2000, this question is likely to lead to the discovery of only inadmissible evidence regarding subsequent remedial measures. I will not direct Royal Caribbean to answer it.

Interrogatory No. 16: Describe in detail RCCL's investigation of the McAllister incident including the names of the individual(s), department(s), firm(s), organization(s) or entities who were involved; the capacity in which they were involved and identify all documents relating in whole or in part thereto.

Royal Caribbean should answer this interrogatory. Where appropriate, Royal Caribbean may refer with specificity to other discovery in its answer, as it has in ¶¶ 9-11 of its Response.

Interrogatory No. 22: Provide the date that RCCL first contacted counsel (in-house or outside), consultants and/or experts regarding the McAllister incident; identify the purpose of their retention, their names and documents generated by them or given them by RCCL.

As drafted, this interrogatory must be answered, since it does not seek any substantive information about the contents of the documents requested, but asks only that Royal Caribbean "identify" the documents. Similarly, Royal Caribbean should "identify" the names of persons contacted, the dates of first contact and the purpose of any retention.

Interrogatory No. 23: When was the first date that RCCL counsel (in-house or outside), consultants and/or Risk Management personnel, and/or experts came on board the Voyager of the Seas in relation to the McAllister incident?

Royal Caribbean will be directed to answer this interrogatory. Although the advice provided by counsel or experts is likely to be privileged, the date of their ship inspection/s is not.

### III. January 25, 2005 Requests for Production of Documents

Request for Production No. 5: Provide copies of all original design and construction drawings, and any related documents/memos, contracts, studies, consulting reports, correspondence, and internal memoranda relative to the AOYP. If they are not in your possession, please provide the contact information for the individuals or company who is in possession of the documents. Provide copies of the aforementioned documents for any renovation or recommended renovations to the AOYP Center.

This request is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

Request for Production No. 13: Provide copies of all speeches and presentations given by RCCL employees including executives (CEO, COO, etc.) from 1998 to the present regarding expected growth, new ships, crime onboard ships, sexual assaults, AOYP Programs and/or its facility hiring practice, security safety, and renovations on the Voyager of the Seas.

Royal Caribbean should produce such speeches and presentations as it has retained which pertain to crime onboard ships and/or sexual assaults.

### IV. Other Issues

1. The Safety Quality Management Manual: Royal Caribbean will be directed to copy the SQM and provide it to Plaintiffs.

2. Documents Mentioned by Captain Newhoff: It has not been shown that the documents mentioned by Captain Newhoff in his deposition were ever the subject of a formal discovery request. For that reason, no basis exists upon which to order Royal Caribbean to produce them.

3. Peter Wall's Current Home Address: Royal Caribbean has stated in its response to Plaintiffs' motion that it does not have this address. I cannot, therefore, order Royal Caribbean to produce it.

V. Conclusion

As set forth above, I now enter the following

ORDER

AND NOW, this 22<sup>ND</sup> day of June, 2005, upon consideration of Plaintiffs' Motion to Compel Discovery, docketed in this case as Document No. 93, and Royal Caribbean Inc.'s response thereto, it is hereby ORDERED that the motion is GRANTED IN PART and DENIED IN PART:

1. By July 15, 2005, Royal Caribbean shall serve responses to Plaintiffs' February 18, 2005, discovery requests;
2. By July 15, 2005, Royal Caribbean shall serve responses to the following of Plaintiffs' January 25, 2005 discovery requests, modified as set forth in the accompanying Opinion: Interrogatories 11, 16, 22 and 23 and Request for Production No. 13.
3. By July 15, 2005, Royal Caribbean shall produce to Plaintiffs a photocopy of the SQM.
4. The motion is otherwise DENIED.

BY THE COURT:

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JACOB P. HART  
UNITED STATES MAGISTRATE JUDGE